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AN ACT

RELATING TO NURSING; AMENDING THE NURSING PRACTICE ACT TO UNIFY THE SEVERAL MEDICATION AIDES PROGRAMS; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-3-10.2 NMSA 1978 (being Laws 1991, Chapter 209, Section 1, as amended) is amended to read:

"61-3-10.2. MEDICATION AIDES.--

A. A statewide program for certification of medication aides and medication aide training programs is created under the board of nursing.

B. For the purposes of this section, "certified medication aide" means a person who, under the supervision of a licensed nurse is permitted to administer medications according to the standards adopted by the board.

C. Unless certified as a certified medication aide under the Nursing Practice Act, no person shall:

(1) practice as a certified medication aide;  
or

(2) use the titles "certified medication aide" or "medication aide" or any other title, abbreviation, letters, figures, signs or devices to indicate or imply that the person is a certified medication aide.

D. The board shall:

1                   (1) maintain a permanent register of all  
2 persons certified to practice as a certified medication  
3 aide;

4                   (2) adopt rules for certified medication  
5 aide education and certification, including standards and  
6 curricula;

7                   (3) adopt rules governing the supervision of  
8 certified medication aides by licensed nurses, including  
9 standards and performance evaluations of certified medication  
10 aides;

11                   (4) conduct disciplinary hearings of  
12 certified medication aides or on the denial, suspension or  
13 revocation of a certified medication aide certificate in  
14 accordance with the Uniform Licensing Act; and

15                   (5) grant approval to a certified medication  
16 aide training program that meets all requirements set by the  
17 board and deny or withdraw approval from programs that fail  
18 to meet prescribed standards or fail to maintain a current  
19 contract with the board.

20                   E. Every applicant for certification as a  
21 certified medication aide shall pay the required application  
22 fee, submit written evidence of having completed a  
23 board-approved program for the certification of certified  
24 medication aides and successfully complete a board-approved  
25 examination. The board shall issue a certificate to any

1 person who fulfills the requirements for certification.

2 F. Every certificate issued by the board to  
3 practice as a certified medication aide shall be renewed  
4 every two years. The certified medication aide seeking  
5 renewal shall submit proof of employment as a certified  
6 medication aide and proof of having met any continuing  
7 education requirements adopted by the board.

8 G. The board shall set the following nonrefundable  
9 fees:

10 (1) initial certification by examination,  
11 not to exceed sixty dollars (\$60.00);

12 (2) renewal of certification, not to exceed  
13 sixty dollars (\$60.00);

14 (3) reactivation of a lapsed certificate  
15 after failure to renew a certificate or following board  
16 action, not to exceed sixty dollars (\$60.00);

17 (4) initial review and approval of a  
18 training program not to exceed three hundred dollars (\$300);

19 (5) subsequent review and approval of a  
20 training program that has changed, not to exceed two hundred  
21 dollars (\$200);

22 (6) subsequent review and approval of a  
23 training program when a change has been required by a change  
24 in board policy or rules, not to exceed fifty dollars  
25 (\$50.00); and

1                   (7) periodic evaluation of a training  
2 program, not to exceed two hundred dollars (\$200)."

3           Section 2. Section 61-3-29 NMSA 1978 (being Laws 1968,  
4 Chapter 44, Section 25, as amended) is amended to read:

5           "61-3-29. EXCEPTIONS.--The Nursing Practice Act shall  
6 not apply to or affect:

7                   A. gratuitous nursing by friends or members of the  
8 family;

9                   B. nursing assistance in case of emergencies;

10                   C. nursing by students when enrolled in approved  
11 schools of nursing or approved courses for the education of  
12 professional or practical nurses when such nursing is part of  
13 the educational program;

14                   D. nursing in this state by a legally licensed  
15 nurse of another state whose employment requires the nurse to  
16 transport a patient or who is a camp nurse who accompanies  
17 and cares for a patient temporarily residing in this state if  
18 the nurse's practice in this state does not exceed three  
19 months and the nurse does not claim to be licensed in this  
20 state;

21                   E. nursing in this state by any person who is  
22 employed by the United States government or any bureau,  
23 division or agency thereof, while in the discharge of the  
24 person's official duties;

25                   F. the practice of midwifery by any person other

1 than a registered nurse who is certified or licensed in this  
2 state to practice midwifery;

3 G. any person working as a home health aide,  
4 unless performing acts defined as professional nursing or  
5 practical nursing pursuant to the Nursing Practice Act;

6 H. any nursing aide or orderly, unless performing  
7 acts defined as professional nursing or practical nursing  
8 pursuant to the Nursing Practice Act;

9 I. any registered nurse holding a current license  
10 in another jurisdiction who is enrolled in any professional  
11 course requiring nursing practice as a part of the  
12 educational program; or

13 J. performance by a personal care provider in a  
14 noninstitutional setting of bowel and bladder assistance for  
15 an individual whom a health care provider certifies is  
16 stable, not currently in need of medical care and able to  
17 communicate and assess the individual's own needs."

18 Section 3. REPEAL.--Sections 61-3-10.3 and 61-3-10.4  
19 NMSA 1978 (being Laws 1995, Chapter 117, Section 1 and Laws  
20 2003, Chapter 282, Section 2, as amended) are repealed.

21 Section 4. EMERGENCY.--It is necessary for the public  
22 peace, health and safety that this act take effect  
23 immediately. \_\_\_\_\_